UNITED NATIONS

MC

UNEP/MC/COP.2/11

Distr.: General
29 August 2018

Original: English

United Nations Environment Programme

Conference of the Parties to the Minamata Convention on Mercury
Second meeting
Geneva, 19–23 November 2018
Item 5 (g) of the provisional agenda*

Matters for consideration or action by the Conference of the Parties: Implementation and Compliance Committee

Report on the work of the Implementation and Compliance Committee of the Minamata Convention on Mercury

Note by the secretariat

1. Article 15 of the Minamata Convention on Mercury, on the Implementation and Compliance Committee, establishes a mechanism, including a Committee as a subsidiary body of the Conference of the Parties, to promote implementation of, and review compliance with, all the provisions of the Convention. In accordance with paragraph 3 of article 15, by its decision MC-1/7, the Conference of the Parties at its first meeting elected the first 15 members of the Committee. In the period between the first and the second meetings of the Conference of the Parties, the Committee has met once, in Geneva, on 29 and 30 May 2018.

2. The secretariat has the honour to provide, in the annex to the present note, the report of the first meeting of the Implementation and Compliance Committee. Appendix I to the report sets out the rules of procedure for the Committee which, pursuant to paragraph 5 of article 15, have been elaborated by the Committee and are subject to approval by the Conference of the Parties at its second meeting. Appendix II sets out a draft decision prepared by the Committee for the consideration of the Conference of the Parties should it decide to approve the proposed rules of procedure.

Suggested action by the Conference of the Parties

3. The Conference of the Parties may wish to consider the report of the first meeting of the Committee and its appendices, and approve the rules of procedure for the Implementation and Compliance Committee through the adoption of a decision on the matter.

* UNEP/MC/COP.2/1.

K1802122 041018

Annex

Report on the first meeting of the Implementation and Compliance Committee of the Minamata Convention on Mercury, held in Geneva on 29 and 30 May 2018

Introduction

1. Article 15 of the Minamata Convention on Mercury establishes an Implementation and Compliance Committee as a subsidiary body of the Conference of the Parties to the Convention. In accordance with article 15, the Committee consists of 15 members, nominated by parties and elected by the Conference of the Parties, with due consideration to equitable geographical representation based on the five regions of the United Nations. Its objective is to promote the implementation of, and review compliance with, all the provisions of the Convention. In accordance with paragraph 3 of article 15, in its decision MC-1/7, the Conference of the Parties at its first meeting elected the first 15 members of the Committee.

2. Subsequently, the Committee held its first meeting at International Environment House 2 in Geneva from 29 to 30 May 2018 The meeting was preceded by an information-sharing session on experiences from implementation and compliance mechanisms under other multilateral environmental agreements, including the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention) and the Montreal Protocol on Substances that Deplete the Ozone Layer.

3. The following members of the Committee were present at the first meeting:

From the African States:

Ms. Hanitriniaina Liliane Randrianomenjanahary (Madagascar)

Mr. Mohamed Abdulai Kamara (Sierra Leone)

Ms. Bianca Hlob'sile Dlamini (Eswatini)

From the Asia-Pacific States:

Ms. Wang Qian (China)

Mr. Heidar Ali Balouji (Islamic Republic of Iran)

Mr. Waduwawatte Lekamalage Sumathipala (Sri Lanka), who was designated by the Government of Sri Lanka to replace Mr. S. M. D. P. Anura Jayatilake (Sri Lanka)

From the Central and Eastern European States:

Ms. Claudia Sorina Dumitru (Romania)

From the Latin American and Caribbean States:

Mr. Diego Henrique Costa Pereira (Brazil)

Ms. Vilma Morales Quillama (Peru)

Mr. Arturo Gavilán García (Mexico)

From the Western European and other States:

Ms. Janine van Aalst (Netherlands)

Mr. Mark Govoni (Switzerland)

Ms. Jennifer Landsidle (United States of America)

Item 1
Opening of the meeting

4. The first meeting of the Committee was opened at 12.10 p.m. on Tuesday, 29 May 2018, by Ms. Rossana Silva Repetto, Executive Secretary of the Minamata Convention, following an information-sharing session. She welcomed the members of the Committee to their first meeting and congratulated them on their election. Recognizing the wealth of lessons learned and good practices

that existed under the implementation and compliance committees of other multilateral environmental agreements, she expressed the hope that the information-sharing session had been instructive and useful to all the members. She reiterated her thanks to Mr. Govoni for presenting his extensive experience with the Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention at the session. She underscored the opportunities presented by having the Implementation and Compliance Committee established by the Convention itself, as well as the key role the Committee would play towards a strong and effective agreement. Lastly, she highlighted the importance of the present meeting and the work that lay ahead for the Committee to ensure that it was equipped with solid operational foundations, gained the trust of the parties and all stakeholders, and was as efficient as possible in supporting countries and the successful and effective implementation of the Convention.

5. Following the opening statement and introductory remarks by Committee members, Ms. Silva Repetto informed participants that three members of the Committee had been unable to attend: Mr. S. M. D. P. Anura Jayatilake (Sri Lanka), Mr. Boyko Malinov (Bulgaria) and Ms. Inga Poroghin (Republic of Moldova). Mr. S. M. D. P. Anura Jayatilake had been replaced by Mr. Waduwawatte Lekamalage Sumathipala, designated by the Government of Sri Lanka as a replacement for the first meeting.

6. In the absence of a Chair of the Committee, it was agreed that Ms. Silva Repetto would preside over the meeting until the election of officers.

Item 2
Organizational matters

(a) Rules of procedure for the meeting

7. The Committee agreed to apply to the conduct of its first meeting, mutatis mutandis, the rules of procedure for the Conference of the Parties. It recognized, however, that certain rules or elements of rules might not be relevant to its proceedings. With regard to its officers, the Committee decided, without pre-empting the outcome of its upcoming discussions on its rules of procedure, that it would elect a chair together with a vice-chair who would also act as rapporteur.

8. During the introductory remarks, one member introduced an additional attendee from her country at the meeting, who was present owing to significant restructuring in their organization. For continuity reasons, she requested the Committee to allow, on an exceptional basis, the participation of the attendee as an adviser.

(b) Election of officers

9. The Committee elected Mr. Mohamed Abdulai Kamara (Sierra Leone) as Chair and Ms. Claudia Sorina Dumitru (Romania) as Vice-Chair and Rapporteur. The Chair thanked members of the Committee for the trust they had placed in him and expressed his confidence that the Committee would work collaboratively towards a successful outcome to its first meeting.

(c) Adoption of the agenda

10. The Committee adopted the following agenda on the basis of the provisional agenda prepared by the secretariat (UNEP/MC/ICC.1/1) and the annotations thereto (UNEP/MC/ICC.1/1/Add.1):

1. Opening of the meeting.
2. Organizational matters:
    (a) Rules of procedure for the meeting;
    (b) Election of officers;
    (c) Adoption of the agenda;
    (d) Organization of work.
3. Rules of procedure for the Implementation and Compliance Committee.
4. Terms of reference for the Implementation and Compliance Committee.
5. Work programme for the Implementation and Compliance Committee.
6. Submissions from any party with respect to its own compliance.
7. Other matters.
8. Adoption of the report.

9. Closure of the meeting.

(d) Organization of work

11. The Committee agreed on the organization of its work for its first meeting.

Item 3
Rules of procedure for the Implementation and Compliance Committee

12. The Committee turned to the consideration of its rules of procedure, which, in accordance with paragraph 5 of article 15 of the Minamata Convention, will be subject to approval by the Conference of the Parties at its second meeting.

13. Introducing the item, the representative of the secretariat drew attention to a document entitled "Proposals for rules of procedure for the Implementation and Compliance Committee of the Minamata Convention on Mercury" (UNEP/MC/ICC.1/2), prepared by the secretariat to support the discussions on the matter. She explained that the proposals had been prepared on the basis of the rules of procedure for the Conference of the Parties, with adjustments and options proposed in the light of the provisions of article 15 of the Convention. Practice under other relevant multilateral environmental agreements had also been considered in developing the proposals. Following the presentation by the secretariat on the structure and overall approach of the proposals, the Committee agreed to use the proposals as the basis for its work.

14. The Committee considered in particular the rules relating to the following issues: scope of the rules, definitions for the purposes of the rules, membership, meetings, observers, agenda, officers, secretariat, conduct of business, voting, elections, languages, amendments to the rules of procedure and the overriding authority of the Convention. Elements from the rules of procedure for the Conference of the Parties that the Committee did not consider relevant or necessary were not included, in particular those pertaining to the holding of extraordinary meetings, subsidiary bodies, representation and credentials, voting on matters of procedure, voting by mechanical means and sound recording of meetings, among others.

15. The Committee agreed by consensus to its rules of procedure, and entrusted the secretariat to undertake any adjustments that might be necessary to ensure correct cross-referencing between the rules. The final version of the rules is set out in appendix I to the present report, and will be submitted to the Conference of the Parties at its second meeting for consideration and approval. The Committee also agreed on a draft decision on the approval of the rules by the Conference of the Parties at its second meeting, which is set out in appendix II to the present report.

Item 4
Terms of reference for the Implementation and Compliance Committee

16. The Committee discussed the issue of further terms of reference, which the Conference of the Parties may adopt as per paragraph 5 of article 15 of the Minamata Convention.

17. At the invitation of the Chair, the representative of the secretariat introduced possible elements of further terms of reference, as described in paragraph 20 of the annotations to the provisional agenda (UNEP/MC/ICC.1/Add.1). In the exchange of views that followed, additional elements were suggested for inclusion in possible terms of reference, including several issues on which article 15 of the Convention did not provide specific guidance.

18. The Committee agreed to develop further terms of reference and requested the secretariat to circulate a list of possible elements for such a document to the Committee members for comment. The Committee also requested the secretariat to prepare, on the basis of that list, proposals for consideration at its second meeting.

Item 5
Work programme of the Implementation and Compliance Committee

19. At the invitation of the Chair, the representative of the secretariat introduced a document entitled "Possible elements of a draft work programme for the Implementation and Compliance Committee of the Minamata Convention on Mercury" (UNEP/MC/ICC.1/3), which it had prepared to support participants in their consideration of the issue.

20. In the light of its functions and the type of information that it might use as a basis for its work in accordance with paragraph 4 of article 15 of the Minamata Convention, the Committee agreed that it would consider the following issues at its second meeting:

(a) Any request emanating from the second meeting of the Conference of the Parties to the Convention;

(b) Any submission from a party with respect to its own compliance;

(c) Further terms of reference for the Committee;

(d) Guidance in relation to written submissions from parties with respect to their own compliance.

21. In discussing the financial implications of its work, the Committee agreed on the need for a budget sufficient to cover the costs both of its meetings and of any specific work that it may need to undertake in order to fulfil its mandate, which could, in its initial years of existence, relate to the development and dissemination of outreach materials. The Committee also agreed that such a budget should be allocated by the Conference of the Parties.

22. Lastly, the Committee decided that its second meeting would take place in the second quarter of 2019, with the exact timing to be determined taking into consideration other relevant meetings on the chemicals and waste agenda.

Item 6
Submissions from any party with respect to its own compliance

23. The Committee noted that no submission initiated in accordance with paragraph 4 of article 15 of the Minamata Convention had been received.

Item 7
Other matters

24. Under this agenda item, the Committee discussed the need for a restricted area on the Minamata Convention website to allow for the secure exchange of information among members of the Committee, in particular in relation to specific submissions on parties' compliance, and decided to discuss the issue again at a subsequent meeting.

25. The Committee requested the secretariat to prepare for consideration at its second meeting, a draft presentation on the role and functioning of the Committee as well as the ways in which issues might be referred to it.

Item 8
Adoption of the report

26. The Committee agreed to adopt its report by electronic means, on the basis of a draft prepared by the Rapporteur with the support of the secretariat. The report, including appendices setting out the draft rules of procedure and the draft decision, would be submitted to the Conference of the Parties at its second meeting for consideration and for possible approval of the rules of procedure.

Item 9
Closure of the meeting

27. Following some closing remarks made by the Chair and the Executive Secretary, the Chair thanked the members of the Committee and the secretariat for their work and declared the meeting closed at 5.55 p.m. on Wednesday, 30 May 2018.

Appendix I

Rules of procedure for the Implementation and Compliance Committee of the Minamata Convention on Mercury

I. Introduction

Rule 1

The present rules of procedure shall apply to the Implementation and Compliance Committee of the Minamata Convention on Mercury.

Rule 2

For the purposes of the present rules:

1. "Convention" means the Minamata Convention on Mercury, adopted at Kumamoto, Japan, on 10 October 2013;

2. "Party" means a party as defined in article 2 (g) of the Convention;

3. "Conference of the Parties" means the Conference of the Parties established by article 23 of the Convention;

4. "Committee" means the Implementation and Compliance Committee established pursuant to paragraph 1 of article 15 of the Convention;

5. "Meeting" means any meeting of the Committee convened in accordance with rules 8 and 9;

6. "Chair" and "Vice-Chair" mean, respectively, the Chair and Vice-Chair of the Committee elected in accordance with paragraph 1 of rule 4;

7. "Member" means a member of the Committee elected or a replacement nominated in accordance with rule 3;

8. "Secretariat" means the secretariat established by paragraph 1 of article 24 of the Convention;

9. "Members present and voting" means members present at the meeting in which voting takes place and casting an affirmative or negative vote. Members abstaining from voting shall be considered as not voting. For in-person meetings, "present" means physically present. For meetings through electronic means, "present" means participation through teleconference, video conference or other electronic means as decided.

II. Membership

Rule 3

1. The Committee shall consist of 15 members, nominated by Parties and elected by the Conference of the Parties, with due consideration to equitable geographical representation based on the five United Nations regional groups.

2. The members of the Committee shall have competence in a field relevant to the Convention and reflect an appropriate balance of expertise.

3. The first members of the Committee will serve from the end of the first ordinary meeting of the Conference of the Parties until the end of the third ordinary meeting of the Conference of the Parties. At its third ordinary meeting, the Conference of the Parties shall re-elect 10 members from among the first members of the Committee for one term, and elect 5 new members for two terms. The Conference of the Parties shall, at each ordinary meeting thereafter, elect for two terms new members to replace those members whose period of office is about to expire.

4. The term of a member shall start following the end of the ordinary meeting of the Conference of the Parties at which the member is elected and end at the end of the next ordinary meeting of the Conference of the Parties. A term is the period from the end of one ordinary meeting of the Conference of the Parties until the end of the next ordinary meeting of the Conference of the Parties.

5. A member shall not serve for more than two consecutive terms.

6. If a member of the Committee resigns or is otherwise unable to complete the assigned term of office or to perform his or her functions, the Party who nominated that member shall name another person to replace the said member for the remainder of his or her term.

III. Officers

Rule 4

1. During each in-person meeting of the Committee, a Chair and a Vice-Chair, who shall act as Rapporteur, shall be elected from among the members present at the meeting, with due consideration to equitable geographical representation based on the five United Nations regional groups.

2. These officers shall commence their term of office at the closure of the meeting at which they are elected and remain in office until the closure of the following meeting of the Committee.

3. The offices of the Chair and Vice-Chair shall normally be subject to rotation among the United Nations regional groups.

Rule 5

1. In addition to exercising the powers conferred upon the Chair elsewhere by the present rules, the Chair shall declare the opening and closing of the meeting, preside at the meeting, ensure the observance of the present rules, accord the right to speak, put questions to the vote and announce decisions. The Chair shall rule on points of order and, subject to the present rules, shall have complete control of the proceedings and over the maintenance of order at the meeting.

2. The Chair may propose to the Committee the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each speaker may speak on a question, the adjournment or the closure of the debate and the suspension or the adjournment of a session.

3. The Chair, in the exercise of the functions of that office, remains under the authority of the Committee.

Rule 6

1. The Chair, if temporarily absent from a meeting or any part thereof, shall designate the Vice-Chair to act as Chair.

2. A Vice-Chair acting as Chair shall have the powers and duties of the Chair.

Rule 7

If the Chair or Vice-Chair resigns or is otherwise unable to complete the assigned term of office or to perform the functions of that office, the Committee shall, at its subsequent meeting, elect a new Chair or Vice-Chair from among the members of the Committee.

IV. Meetings

Rule 8

1. The secretariat, in consultation with the Chair, shall make appropriate arrangements for the meetings of the Committee. The Committee shall discuss the date of its subsequent meeting at the close of its meeting.

2. Meetings may take place through electronic or other means should the Committee consider that matters under discussion could be addressed in this manner.

Rule 9

Unless otherwise decided by the Committee, meetings of the Committee shall be held in person at least once between each ordinary meeting of the Conference of the Parties.

Rule 10

1. The secretariat shall notify all members of the dates and venue of each meeting at least sixty days before the meeting in question is due to commence.

2. The secretariat shall announce the date and venue of the next meeting of the Committee on the website of the Minamata Convention.

V. Observers

Rule 11

The Committee may invite observers to its meetings, or segments thereof, if at least a majority of members so decide. Invitations to observers will be extended by the secretariat upon request and on behalf of the Committee. The participation of observers will be at their own expense.

Rule 12

Such observers may comprise any party, the United Nations, its specialized agencies, the International Atomic Energy Agency, as well as any State not party to the Convention, any entity operating the mechanism referred to in paragraph 5 of article 13 of the Convention as well as any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention and has been approved to attend meetings of the Conference of the Parties, or any individual with particular expertise relevant to matters under consideration.

Rule 13

The secretariat shall inform the Committee of any requests to attend the meeting received from observers as defined in rule 12, and extend invitations to these observers in accordance with rule 11. The secretariat shall notify those entitled to be observers pursuant to rule 12, of the date and venue of the next meeting by means of an announcement on the website of the Minamata Convention.

Rule 14

Where the Committee is considering an issue on the basis of a specific submission relating to the compliance of an individual Party, that Party shall be invited to participate in the consideration of the issue by the Committee. Such sessions shall not be open to observers, unless otherwise agreed by the Committee and the Party concerned.

Rule 15

Deliberations to prepare recommendations or voting on recommendations shall be closed to all observers.

VI. Agenda

Rule 16

In agreement with the Chair, the secretariat shall prepare the provisional agenda of each meeting.

Rule 17

The provisional agenda of each meeting shall include, as appropriate:

(a) Items arising from the functions of the Committee as specified in article 15 of the Convention, including any submission from a Party with respect to its own compliance that is received at least eight weeks before the first day of the meeting;

(b) Items the inclusion of which has been decided at a previous meeting;

(c) Items referred to in rule 21 of the present rules of procedure;

(d) The work programme of the Committee, as well as an item regarding the venue, date and duration of its next meeting;

(e) Any item proposed by a member and received by the secretariat before the provisional agenda is circulated.

Rule 18

For each meeting, the provisional agenda, together with supporting documents, shall be issued in English and distributed by the secretariat to the members at least four weeks before the opening of the meeting.

Rule 19

The secretariat shall, in agreement with the Chair, include any item that is proposed by a member and has been received by the secretariat after the provisional agenda for a meeting has been produced, but before the opening of the meeting, in a supplementary provisional agenda.

Rule 20

When adopting the agenda for a meeting, the Committee may decide to add, delete, defer or amend items. Only items that are considered by the Committee to be urgent and important may be added to the agenda.

Rule 21

Any item of the agenda of a meeting, consideration of which has not been completed at the meeting, shall be included automatically in the provisional agenda of the next meeting, unless otherwise decided by the Committee.

VII. Secretariat

Rule 22

1. The head of the secretariat, or the representative of the head of the secretariat, shall exercise the functions of that office in all meetings of the Committee.

2. The head of the secretariat shall arrange for the provision of staff and services required by the Committee, within available resources. The head of the secretariat shall manage and direct such staff and services and provide appropriate support and advice to the Chair and the Vice-Chair of the Committee.

Rule 23

In addition to the functions specified elsewhere in the present rules, the secretariat shall, in accordance with the present rules:

(a) Arrange for interpretation at the meeting, as may be required under rule 39;

(b) Collect, translate as may be required under rule 40, reproduce and distribute the documents of the meeting;

(c) Distribute the official documents of the meeting;

(d) Arrange for the custody and preservation of the documents of the meeting.

VIII. Conduct of business

Rule 24

The Chair shall not declare a session of the meeting of the Committee open or permit the debate to proceed unless at least one third of the members are present. The presence of two thirds of the members shall be required for any decision to be taken.

Rule 25

1. No one may address a meeting without having previously obtained the permission of the Chair. Subject to rules 26 and 27, the Chair shall call upon speakers in the order in which they signify their desire to speak. The secretariat shall maintain a list of speakers. The Chair may call a speaker to order if the speaker's remarks are not relevant to the subject under discussion.

2. The Committee may, on a proposal from the Chair or from any member, limit the time allowed to each speaker and the number of times each speaker may speak on a question. Before a decision is taken, two members may speak in favour of and two against a proposal to set such limits. When the debate is limited and a speaker exceeds the allotted time, the Chair shall call the speaker to order without delay.

Rule 26

During the discussion of any matter, a member may at any time raise a point of order, on which the Chair shall immediately rule in accordance with the present rules. A member may appeal against the ruling of the Chair. The appeal shall be put to the vote immediately and the ruling shall stand unless overruled by a majority of the members present and voting. A member may not, in raising a point of order, speak on the substance of the matter under discussion.

Rule 27

1. Subject to rule 26, the following motions shall have precedence in the order indicated below over all other proposals or motions:

(a) To suspend the session;

(b) To adjourn the session;

(c) To adjourn the debate on the question under discussion;

(d) To close the debate on the question under discussion.

2. Permission to speak on a motion falling within paragraphs 1 (a)–(d) of the present rule shall be granted only to the proposer and, in addition, to one speaker in favour of and two against the motion, after which it shall be put immediately to the vote.

IX. Voting

Rule 28

Each member shall have one vote.

Rule 29

1. The Committee shall make every effort to adopt its recommendations by consensus. If all efforts at consensus have been exhausted and no consensus is reached, such recommendations shall as a last resort be adopted by a three-fourths majority vote of the members present and voting, based on a quorum of two-thirds of the members.

2. The Committee shall make every effort to reach consensus on matters relating to the conduct of its business. If no consensus is reached, such matters shall as a last resort be decided by a majority vote of the members present and voting, based on a quorum of two-thirds of the members.

Rule 30

If two or more proposals relate to the same question, the Committee, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted. The Committee may, after each vote on a proposal, decide whether to vote on the next proposal.

Rule 31

1. Any member may request that any part of a proposal or of an amendment to a proposal be voted on separately. The Chair shall allow the request unless a member objects. If an objection is made to the request for division, the Chair shall permit two members to speak, one in favour of and the other against the request, after which it shall be put immediately to the vote. The Chair may limit the time allowed to each speaker.

2. If the request referred to in paragraph 1 is allowed or adopted, those parts of a proposal or of an amendment to a proposal that are approved shall then be put to a vote as a whole. If all the operative parts of a proposal or amendment have been rejected, the proposal or amendment shall be considered to have been rejected as a whole.

Rule 32

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from or revises parts of that proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote, and if the amendment is adopted, the amended proposal shall then be voted on.

Rule 33

If two or more amendments to a proposal are proposed, the Committee shall first vote on the amendment furthest removed in substance from the original proposal, then on the next amendment

furthest removed therefrom, and so on, until all the amendments have been put to the vote. The Chair shall determine the order of voting on the amendments under the present rule.

Rule 34

Voting, except for elections, shall normally be by show of hands. If at any time, however, a member requests a secret ballot, that shall be the method of voting on the issue in question.

Rule 35

After the Chair has announced the beginning of voting, no member shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The Chair may permit the members to explain their votes, either before or after the voting. The Chair may limit the time to be allowed for such explanations. The Chair shall not permit the proposer of a proposal or of an amendment to a proposal to explain his or her vote on his or her own proposal or amendment, except if it has been amended.

X. Elections

Rule 36

All elections shall be held by secret ballot.

Rule 37

1. If, when one person is to be elected, no candidate obtains in the first ballot a majority of the votes cast by the members present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the Chair shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with the procedure set forth in paragraph 1 of the present rule.

XI. Languages

Rule 38

The working language of the Committee shall be English.

Rule 39

1. Sessions of the meetings of the Committee where the implementation and/or compliance of a particular Party is being considered shall be interpreted from an official language of the United Nations other than English into English if so requested by the particular Party.

2. A representative of a Party may speak in a language other than English if the Party provides for interpretation into English.

Rule 40

1. Official documents of the meetings shall be drawn up in English.

2. Submissions from Parties as per paragraph 4 (a) of article 15 of the Convention shall be made in one of the six official languages of the United Nations. When submitted in one of the official languages of the United Nations other than English, the secretariat shall make arrangements for their translation into English before their distribution.

3. The secretariat shall also make arrangements for the translation into English of national reports, or sections thereof, in one of the United Nations official languages other than English, prior to their distribution, when issues are to be considered by the Committee on the basis of national reports, in accordance with paragraph 4 (b) of article 15 of the Convention, or when such national reports or sections thereof are required for the consideration of an issue on the basis of requests from the Conference of the Parties, in accordance with paragraph 4 (c) of article 15 of the Convention.

XII. Amendments to the rules of procedure

Rule 41

The present rules of procedure may be amended with the approval of the Conference of the Parties. The Committee may submit to the Conference of the Parties for consideration and approval recommendations to amend the present rules of procedure.

XIII. Overriding authority of the Convention

Rule 42

In the event of any conflict between any provision of the present rules and any provision of the Convention, the Convention shall prevail.

Appendix II

Draft decision MC-2/[XX]: Rules of procedure for the Implementation and Compliance Committee of the Minamata Convention on Mercury

The Conference of the Parties,

Recalling paragraph 5 of article 15 of the Minamata Convention on Mercury,

Having considered the report of the Implementation and Compliance Committee,

Noting with appreciation the work undertaken by the Implementation and Compliance Committee,

Decides to approve the rules of procedure for the Implementation and Compliance Committee set out in the annex to the present decision.